

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

Chambers of  
**STEVEN C. MANNION**  
United States Magistrate Judge

Martin Luther King Jr, Federal Bldg.  
& U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07102  
(973) 645-3827

August 23, 2016

**LETTER ORDER/OPINION**

**Re: Kaul v. Christie, et al.  
Civil Action No. 16-2364 (KM) (SCM)**

Dear Mr. Kaul:

The Court is in receipt of four letters, three from party Defendants and one from a non-party to the present matter.<sup>1</sup> The letters request the same relief, namely that compliance with subpoena requests you appear to have issued be held in abeyance pending dispositive motion practice. On August 22, 2016, you wrote two letters to the Court. The first letter objects to your adversaries' request, and the second letter requests permission to file a motion to compel compliance with a subpoena you issued.<sup>2</sup> After review of the parties' submissions, **the subpoenas are quashed and leave to file a motion to compel is denied without prejudice.**

The rules governing civil procedure mandate that all rules be "employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and

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<sup>1</sup> (ECF Docket Entry ("D.E.") 91-93 and 95). Two of the four letters were submitted by counsel for the same party Defendants.

<sup>2</sup> (D.E. 96 and 97).

proceeding.”<sup>3</sup> Your efforts to serve subpoenas and a motion to compel production at this time do not comport with the “just, speedy, and inexpensive determination of” this action.

Subpoenas are tools for obtaining discovery and discovery does not begin until the Court enters a scheduling order which allows for discovery after an initial scheduling conference.<sup>4</sup> An initial scheduling conference is usually scheduled within 60 days of the filing of an initial answer, unless deferred by the Magistrate Judge due to the pendency of a dispositive or other motion.<sup>5</sup> There has been no initial scheduling conference in this case and defendants have until September 9, 2016 to respond to the Amended Complaint.<sup>6</sup> Thus, no party may serve subpoenas or a discovery motion at this time.

Additionally, only attorneys and the Clerk of the Court may issue subpoenas.<sup>7</sup> Therefore, even after discovery begins you are not authorized to issue a subpoena except through the Clerk of the Court or an attorney. Any and all subpoenas that have been propounded by you are hereby quashed, and your request to file a motion to compel is denied without prejudice.

**IT IS SO ORDERED.**



Honorable Steve Mannion, U.S.M.J.  
United States District Court,  
for the District of New Jersey  
phone: 973-645-3827

8/23/2016 12:03:49 PM

Original: Clerk of the Court  
Hon. Kevin McNulty, U.S.D.J.  
cc: All parties

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<sup>3</sup> See Fed.R.Civ.P. 1.

<sup>4</sup> See Fed.R.Civ.P. 26(f).

<sup>5</sup> See L. Civ. R. 16(a)(1).

<sup>6</sup> (D.E. 76).

<sup>7</sup> See Fed.R.Civ.P. 45(a)(3).